

Brian Adams #J-79083

Name and Prisoner/Booking Number

California Health Care Facility

Place of Confinement

P.O. Box 32050

Mailing Address

Stockton, CA. 95213

City, State, Zip Code

FILED

APR 24 2020

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY AMC
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Brian Trent Adams

(Full Name of Plaintiff)

Plaintiff,

v.

Kevin Chappell

(1)

(Full Name of Defendant)

(2)

(3)

(4)

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. **2:20-CV-0844** KJN PC
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER
JURY TRIAL DEMANDED**

☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: California Health Care Facility - Stockton, CA.

B. DEFENDANTS

1. Name of first Defendant: Kevin Chappell. The first Defendant is employed as:
Commissioner at Board of Parole Hearings.
(Position and Title) (Institution)
2. Name of second Defendant: _____. The second Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 1. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: Brian Trent Adams v. Board of Parole Hearings, et al.
 2. Court and case number: San Joaquin County Superior Court; STK-CV-UCR-2018-0003516
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed, Plaintiff filed Notice of Appeal but missed deadline to submit mediation statement.
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: First Amendment to the U.S. Constitution.
2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input checked="" type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments. *Continued on Pages 3a. - 3h.*
4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
Violation of First Amendment right to be free from retaliation for filing a lawsuit.
5. **Administrative Remedies:**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - Did you submit a request for administrative relief on Claim I? ☐ Yes ☒ No
 - Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☒ No
 - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Administrative remedy available to inmates "shall not be utilized in the following appeals: Board of Parole Hearings" [D.O.M. 54100.5]

1. Plaintiff Brian Trent Adams is hereinafter in this cause of action referred to as Plaintiff.
2. Defendant Kevin Chappell was at all times mentioned in this complaint an agent of the State of California, employed as a Board of Parole Hearings Commissioner for the California Department of Corrections and Rehabilitation.
3. On March 26, 2018 Plaintiff filed a Civil Complaint against Kevin Chappell, and others alleging racial discrimination - against white inmates and in favor of Black inmates, by Board of Parole Hearing Commissioners, including Kevin Chappell.
4. On February 21, 2019, in the same action, Plaintiff filed a First Amended Complaint (FAC) against Kevin Chappell, and others.
5. On July 26, 2019 Plaintiff filed a Second Amended Complaint, in the same action, against Board of Parole Hearings, Jennifer Shaffer, Ali Zarrinnam, and Cynthia Fritz. Kevin Chappell had been removed as a defendant.
6. When Kevin Chappell was a defendant in

the complaint mentioned in paragraphs 3 and 4, Plaintiff served on Kevin Chappell Plaintiff's Special Interrogatories, Set One.

7. As to the allegation in Paragraph 6, Plaintiff's Special Interrogatories, Set One propounded on Kevin Chappell, and others, 82 interrogatories designed to discover evidence of Kevin Chappell's, and others, racial bias exhibited in his capacity as a Board of Parole Hearings (BPH) Commissioner.

8. As to the allegations in paragraph's 6 and 7, on January 15th, 2019 Kevin Chappell signed a Verification which reads: ["I, Defendant K. Chappell, declare: I am a party in this action. I have read the foregoing responses to Plaintiff's Special Interrogatories, Set One, and declare under penalty of perjury that they are true."]

9. Defendants, including Kevin Chappell, objected to all but 5 of Plaintiff's Interrogatories.

10. Plaintiff also served on Kevin Chappell, et al. Plaintiff's Demand for Production of Documents for Inspection and Copying, SET ONE.

11. Kevin Chappell verified receipt of Plaintiff's request for production by signing a Verification which reads: ["I, Defendant K. Chappell, declare: I am a party in this action. I have read the foregoing responses to Plaintiff's Request for Production of Documents, Set One, and declare under penalty of perjury that they are true. Executed this 15th day of January, 2019 at Sacramento, California."]

12. Plaintiff requested the production of the following documents;

1. The BPH transcripts from the Parole suitability Hearings at which the following inmates were found suitable:

- a. Jerome Tucker
- b. Terri Simmons
- c. Cornelius Thompson
- d. Inmate Brinkley
- e. Inmate "Alvin"

2. The first and last Forensic Risk Assessment, performed by the Forensic Assessment Division (FAD) of the BPH, of the following inmates:

- a. Jerome Tucker
- b. Terri Simmons
- c. Cornelius Thompson
- d. Inmate Brinkley
- e. Inmate Alvin.
- f. Robert Earl Stewart

3. The Confidential Portions of the
Central Files of the following inmates

- a. Jerome Tucker
- b. Terri Simmons
- c. Cornelius Thompson
- d. Inmate Brinkley
- e. Inmate Alvin.
- f. Robert Earl Stewart

13. As to the documents identified in Paragraph 12, Kevin Chappell, and others, stated: ["A diligent search has been conducted and the responsive records have been located for the individuals identified above. Yet, defendants are withholding these records on the grounds of non-party privacy rights and the grounds identified in the above objections."]

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1 14. On April 14th, 2020 Plaintiff appeared
2 for a Parole Suitability Hearing, at the
3 California Health Care Facility before
4 Commissioner Kevin Chappell.

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6 15. The Parole Suitability Hearing described in
7 paragraph 14 was electronically recorded
8 and transcribed.

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10 16. The transcript is Public Record

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12 17. During the Suitability Hearing Kevin Chappell
13 referenced Plaintiff's Civil Complaint which
14 included Cynthia Fritz as a defendant - i.e.
15 Plaintiff's Second Amended Complaint (SAC)
16 described in paragraph 5.

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18 18. Kevin Chappell concealed from the public
19 record the fact that he was a
20 defendant in Plaintiff's Initial Complaint
21 and FAC.

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23 19. Kevin Chappell chastised^{Plaintiff} for filing his
24 Civil Rights Complaint

25
26 20. Kevin Chappell admonished Plaintiff to
27 focus on himself [not Black inmates].
28

21. He endorsed Plaintiff as being psychotic and delusional.
22. Plaintiff's then current mental health diagnosis was: ["Major depressive disorder, recurrent, severe, without psychotic features."]
24. Kevin Chappell minimized the evidence in support of Plaintiff's claim despite the facts contained in the documents possessed and withheld from Plaintiff by Kevin Chappell himself.
25. Plaintiff expressed his desire not to discuss his Civil Complaint, which was not related to the proceedings at hand.
26. Despite Plaintiff's protestations, Kevin Chappell insisted on discussing Plaintiff's Civil Complaint.
27. When Plaintiff attempted to describe correct evidence about his mental health diagnosis Kevin Chappell prevented Plaintiff from speaking on his own behalf by interjecting.

28. When Plaintiff attempted to describe information validating his claim of racism, Kevin Chappell prevented Plaintiff from speaking on his own behalf by vigorously interjecting.

Plaintiff was Deprived of his First Amendment Right

29. Kevin Chappell's chastisement of Plaintiff for filing a Civil Rights Complaint against him, coupled with his decision making authority over Plaintiff's future causes Plaintiff to feel threatened and deterred from filing future lawsuits.

30. Kevin Chappell's endorsement of Plaintiff as being psychotic and delusional causes Plaintiff to be retaliated against for filing a Civil Rights Complaint against Kevin Chappell, and Violates Plaintiff's right to be free from retaliation in violation of the First Amendment to the U.S. Constitution

31. Kevin Chappell's admittance of false evidence regarding Plaintiff's claim, causes Plaintiff to be retaliated against in violation of the First Amendment to the U.S.

1 Constitution

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3 32. Kevin Chappell's refusal to let Plaintiff
4 speak on his own behalf causes
5 Plaintiff to be retaliated against in
6 violation of the First Amendment to the
7 U.S. Constitution.

8 Plaintiff hereby demands a jury trial.
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CLAIM II

1. State the constitutional or other federal civil right that was violated: _____

2. **Claim II.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

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|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Claim II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

E. REQUEST FOR RELIEF

State the relief you are seeking:

(1) Declare that the acts and omissions described
herein violated Plaintiff's rights under the First Amendment to the U.S.
Constitution. (2) Other just relief that this Court deems necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/20/2020

DATE



SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

Brian Adams #J-79083
Cal. Health Care Facility - Stockton
P.O. Box 32050
Stockton, CA. 95213

Date: 04/21/2020

TO: Clerk of the U.S. Dist. Court
Eastern Dist. of California

RE: Relief from the e-filing procedures

Please consider this a motion for relief
from the e-filing procedures.

I am currently incarcerated at the
California Health Care Facility, in Stockton.

The institution is currently on medical
quarantine due to COVID-19 and I do not
have physical access to the Law Library
in order to have the enclosed Complaint
E-filed.

The paging system has only been
marginally effective.

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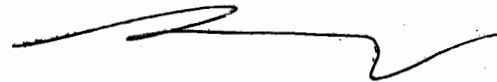
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1 Furthermore, if I attempted to have
2 the enclosed complaint E-filed by
3 mailing it to the Law Library, it may
4 be misplaced (and its the only copy I
5 have) - and staff will inspect it
6 which could make me vulnerable to
7 retaliation.

8 Please accept the enclosed
9 complaint, as delivered, for filing.
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11 Thank you
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14 Brian Adams J-79089
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